U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER CIVIL NO. 96-2399(CC)
DEFENDANT RAFAEL LIND SOLARES, ET AL	TYPE OF PROCESS WRIT OF EXECUTION

SERVE AT
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
MARSHAL, SUPERIOR COURT
ADDRESS *(Street or RFD, Apartment No., City, State and ZIP Code)*
GUAYAMA PART, GUAYAMA, PR

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

REBECCA VARGAS VERA
Assistant U.S. Attorney
Torre Chardón, Suite 1201
350 Carlos E. Chardón Street
Hato Rey, PR 00918
Attn: Foreclosure Unit/GGB/RLP
Claim No. 2003v00319

Number of process to be served with this Form 285: 1
Number of parties to be served in this case:
Check for service on U.S.A.

RECEIVED AND FILED
2005 MAR -2 AM 10: 02
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE *(Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service)*:

Fold

PLEASE EXECUTE WRIT OF EXECUTION AND CONDUCT JUDICIAL SALE AS MANDATED IN THE WRIT, EXECUTE AT ADDRESS INDICATED ABOVE.

Fold

Signature of Attorney other Originator requesting service on behalf of: [signature] REBECCA VARGAS VERA
☐ PLAINTIFF
☐ DEFENDANT
TELEPHONE NUMBER (787) 766-5656
DATE 11/18/04

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. *(Sign only for USM 285 if more than one USM 285 is submitted)*	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 69	No. 69	R.S. [signature]	11-29-04

I hereby certify and return that I ☑ have personally served , ☐ have legal evidence of service, ☑ have executed as shown in "Remarks", the process described on the individual , company, corporation, etc., at the address shown above on the on the individual , company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above *(See remarks below)*

Name and title of individual served *(if not shown above)*

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address *(complete only different than shown above)*

Date 1-13-05 Time 11:00 ☑ am ☐ pm

Signature of U.S. Marshal or Deputy [signature] Francisco A. Lopez

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
180.00	35.25	3.95	$219.20		

REMARKS:

PRIOR EDITIONS MAY BE USED

PRINT 5 COPIES:
1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

FORM USM-285
Rev. 12/15/80
Automated 01/00

United States Marshals Service
Return

Case no.: CV: 03-1362 (JP)

I, Francisco Lopez , a duly sworn and authorized Deputy U.S. Marshal, does hereby certify and state, that I offered for sale in Public Auction, the property described in the Order/Notice of Sale or Writ of execution attached hereto and made part of this return as ordered by the United States District Court.

Also, that said Notice of Sale was published as required and is supported by the accompanying Affidavit of Publication. Further, that the third judicial sale began at the hour of 11:00am on the 13th day of January , 2005; when I offered for sale said property in Public Auction and that I received from Mr. Noemi Morant, in representation of USDA-RURAL DEVELOPMENT , the amount of $ 55,740.00 . Such amount was offered by the plaintiff and the payment in the manner established in the Writ of Execution and that being the highest bid received, the sale was awarded to plaintiff.

Marshal's fees, indicated below, will be deducted from the case deposit on hand or the proceeds of the sale, whichever is deemed appropriate, after confirmed by the Court.

MARSHAL'S FEES

Highest Bid	$55,740.00
3% OF 1ST $1,000.00	$30.00
1 ½ % of remaining balance	$821.10
Execution of sale fee (1 hours X $45.00)	$180.00
Total Mileage (including endeavors)@ $0.325	$35.25
Tolls (including endeavors)	$3.95
Other Expenses	$20.00
Total	$1,090.30

This at San Juan, Puerto Rico on January 13, 2005.

HERMAN J WIRSHING
United States Marshal

By: Juanerico A Lopez
Deputy U.S. Marshal

AUCTION RECORD

(1ST) (2ND) (3RD) SALE

START 1:00

CASE NO. 96-2399 CC DATE: 1/13/04 TIMES END

CASE TITLE: USA vs Rafael Luid Solares

RECORD OF ATTENDANCE

NAME: (PRINTED)	SIGNATURE	TELEPHONE	ADDRESS
1) Noemi Morant	Noemi Morant	787-852-0450	62nd Cruz Ortiz Stella ave. Humacao PR 00791
2)	USDA - Rural Development		
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			

RECORD OF BIDDING

(1) $ 55,740.00	( ) $	( ) $	( ) $	( ) $
( ) $	( ) $	( ) $	( ) $	( ) $
( ) $	( ) $	( ) $	( ) $	( ) $
( ) $	( ) $	( ) $	( ) $	( ) $
( ) $	( ) $	( ) $	( ) $	( ) $

MINIMUM BID $ 40,490.00

HIGHEST BID RECEIVED $ 55,740.00 BY Noemi Morant,) USDA

U.S. MARSHAL'S EXPENSES

SERVICE FEE .... $ 180.00
MILEAGE @ $0.325 .... $ 35.25
TOLLS .... $ 3.95
OTHER .... $ –
TOTAL .... $ 219.20

HERMAN J. WIRSHING,
U.S. MARSHAL

Francisco A Lopez
DEPUTY U.S. MARSHAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CIVIL NUNO. 96-2399 (CCC)

UNITED STATES OF AMERICA (RURAL DEVELOPMENT)

VS.
RAFAEL LIND SOLIVERAS, ET/AL

FORECLOSURE OF MORTGAGE

A F F I D A V I T

RECEIVED UNITED STATES MARSHAL JAN 31 3 15 PM '05 DISTRICT OF PUERTO RICO

I, Marilisa Román, of legal age, married, employee and resident of Bayamón, Puerto Rico, do solemnly swear:

That my name is the above mentioned and my personal circumstances are those as stated. That I am an Employee, of "EL NUEVO DIA", newspaper of General Circulation in the Island of Puerto Rico, and that position in Advertising and Legal Notice Department Supervisor and I am in charge of the advertisement.

I also declare that in the edition of this newspaper corresponding

DECEMBER 15, 22, 29, 2004 & JANUARY 5, 2005

an advertisement was published that deals with the following:

HERMAN J. WIRSHING, U. S. MARSHAL, BY; ROBERTO SCHIMIDT, LEGAL TECHNICIAN

In witness whereof and upon request of those concerned, I swear to and sign the present in Guaynabo, P.R. this ____________ day of JAN 13 2005, 20____.

Marilisa Román [signature]

Affidavit No. 44,242

Acknowledged and sworn to before me by Marilisa Román and resident of Bayamón, Puerto Rico, whom I know personally.0000

FRANK M. GONZALEZ ACEVEDO
PUERTO RICO
ABOGADO-NOTARIO

Guaynabo, P.R. JAN 13 2005 19___

[signature]
NOTARY PUBLIC

United States District Court for the District of Puerto Rico. United States of America, (Rural Development) Plaintiff Vs. Rafael L.-d Solveras, Justina Soto Martinez, and the conjugal partnership constituted by both. Defendants. Civil Núm. 96-2399(CCC). Foreclosure of Mortgage. Notice of Sale. To: Rafael Lind Solveras, Justina Soto Martinez, and the conjugal partnership constituted by both and any other party with interest over the property mentioned below. WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of $33,691.38 plus $2,367.56 in interest accrued as of September 3, 1996, plus $9.8074 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed. The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico. WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction: URBANA: Solar número Doce (12) Bloque K según Plano de Inscripción del Proyecto denominado Urbanización Jardines de Mamey, radicado en el Barrio Egozcue, del término municipal de Patillas, Puerto Rico. Dicho solar tiene un área de Trescientos Cuarentiséis Punto Ochenta Metros Cuadrados (346.80 m.c.) y colinda por el Norte, en trece punto sesenta (13.60) metros lineales con lote número nueve (9); por el Sur, en treca punto sesenta (13.60) metros lineales con calle número siete (7); por el Este, en veinticinco punto cincuenta (25.50) metros lineales con lote número once (11); por el Oeste, en veinticinco punto cincuenta (25.50) metros lineales con lote número treca (13). Contiene una residencia de una sola planta construida de concreto y bloques para una sola familia. Plaintiff's mortgage is recorded at page 181rs of volume 163 of Patillas, finca 7269, 2nd inscription at the Property Registry of Guayama, Puerto Rico. WHEREAS: This property is subject to the following liens: Senior Liens: None. Junior Liens: None. Other Liens: Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in affect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation. WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be $40,490.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended). WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation. NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the judgment hereinbefore referred to will, on the 13th day of January, 2005 at 11:00 A.M. of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Guayama Part, located at Centro Judicial, Ave. José Torres, Guayama, P.R. 00784, Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment. Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 20th day of January, 2005 at 11:00 A.M. of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 27th day of January, 2005 at 11:00 A.M. of said day, in the Office of the Marshal of this Court located at the address indicated above. In San Juan, Puerto Rico, this 29th day of November, 2004. Herman J. Wirshing United States Marshal. By: Roberto Schmidt, Legal Technician. 8367204

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA (Rural Development) Plaintiff v. RAFAEL LIND SOLIVERAS, JUSTINA SOTO MARTINEZ, and the conjugal partnership constituted by both Defendants	CIVIL NO. 96-2399(CCC) FORECLOSURE OF MORTGAGE

NOTICE OF SALE

TO: **RAFAEL LIND SOLIVERAS, JUSTINA SOTO MARTINEZ**, and the conjugal partnership constituted by both and any other party with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of $33,691.38 plus $2,367.56 in interest accrued as of September 3, 1996, plus $9.8074 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

> URBANA: Solar numero DOCE (12) Bloque K segun Plano de Inscripción del Proyecto denominado Urbanización Jardines de Mamey, radicado en el Barrio Egozcue, del término municipal de Patillas, Puerto Rico. Dicho solar tiene un area de Trescientos Cuarentiseis Punto Ochenta Metros Cuadrados (346.80 m.c.) y colinda por el Norte; en trece punto sesenta (13.60) metros lineales con lote numero nueve (9); por el Sur, en trece punto sesenta (13.60) metros lineales con calle numero siete (7); por el Este, en veinticinco punto cincuenta (25.50) metros lineales con lote numero once (11); por el Oeste, en veinticinco punto cincuenta (25.50) metros lineales con lote numero trece (13).
>
> Contiene una residencia de una sola planta I construida de concreto y bloques para una sola familia.

Plaintiff's mortgage is recorded at page 181rs of volume 163 of Patillas, finca 7269, 2nd inscription at the Property Registry of Guayama, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

> Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in

effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be $40,490.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the **13th** day of **January, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal for the

Superior Court of Puerto Rico, Guayama Part, located at Centro Judicial, Ave. Jose Torres, Guayama, PR 00784 Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the **20th** day of **January, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the **27th** day of **January, 2004** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 29th day of November, 2004.

HERMAN J. WIRSHING
United States Marshal

By: ______________________
Roberto Schmidt
Legal Technician

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA (Rural Development) Plaintiff v. RAFAEL LIND SOLIVERAS, JUSTINA SOTO MARTINEZ, and the conjugal partnership constituted by both Defendant	CIVIL NO. 96-2399(CCC) FORECLOSURE OF MORTGAGE

NEW WRIT OF EXECUTION OF JUDGMENT

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable Carmen Consuelo Cerezo, United States District Judge, has issued an order in this case dated March 3, 1997 which copied literally, reads as follows:

"ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from the records of this Court in the above mentioned case that the defendants referred to in the judgment entered by this Court ~~was~~ were duly summoned and said defendants ~~has~~ have failed to pay to the plaintiff the sums of money adjudged to be paid under said judgment: H.G.

And it appearing further that more than ten (10) days have elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States Marshal for this District to proceed forthwith and to sell at public auction to the highest bidder, the property referred to in said judgment and described herein below in the manner and form provided in said judgment and as herein further provided:

> URBANA: Solar numero DOLE (12) Bloque K segun Plano de Inscripcidn del Proyecto denominado Urbanizacidn Jardines de Mamey, radicado en el Barrio Egozcue, del t6rmino municipal de Patillas, Puerto Rico. Dicho solar tiene un

area de Trescientos Cuarentiseis Punto Ochenta Metros Cuadrados (346.80 m.c.) y colinda por el Norte; en trece punto sesenta (13.60) metros lineales con lote numero nueve (9); por el Sur, en trece punto sesenta (13.60) metros lineales con calle numero siete (7); por el Este, en veinticinco punto cincuenta (25.50) metros lineales con lote numero once (11); por el Oeste, en veinticinco punto cincuenta (25.50) metros lineales con lote numero trece (13).

Contiene una residencia de una sola planta ~~E~~ HG construida de concreto y bloques para una sola familia.

Plaintiff's mortgage is recorded at page 181rs of volume 163 of Patillas, finca 7269, 2nd inscription at the Property Registry of Guayama, Puerto Rico.

a) Said public sale shall be had at the office of the Marshal for Superior Court of Puerto Rico, Guayama Part, in accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

c) The amount of $40,490.00 shall serve as the minimum ~~at~~ H.G. bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the entire amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in ash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchase shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED in San Juan, Puerto Rico, this 3rd day of March, 1997.

/s/ Carmen Consuelo Cerezo
UNITED STATES DISTRICT JUDGE"

THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed by virtue of this New Writ of Execution and in compliance with the order copied above, according to law, in order to execute the judgment entered in this case against the defendants.

San Juan, Puerto Rico, this 14th day of October, 2004.

FRANCES RIOS DE MORAN, Clerk
United States District Court
For the District of Puerto Rico

By: ______________________
Deputy Clerk

Certified to be a true and exact copy of the original.
FRANCES RIOS DE MORAN, CLERK
U.S. District Court for the District of Puerto Rico
By: ______________________
Deputy Clerk
Date: Oct. 19/04